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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/765,695	07/25/1997	LARS ABRAHMSSEN	A96335US	6468

7590 11/17/2004  
FULBRIGHT & JAWORSKI LLP  
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EXAMINER  
SCHWADRON, RONALD B

ART UNIT	PAPER NUMBER
1644	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	08/765,695		ABRAHMSEN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Ron Schwadron, Ph.D.		1644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 36 and 70 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 36 and 70 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner. ( See PTO 948 mailed 8/16/99 )
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

1. Claims 36 and 70 are under consideration.
2. The rejection of claims 36, 58-63, 65-68 under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for the claimed method that uses the D227A mutant, does not reasonably provide enablement for the method that uses combinations of the amino acid substitutions recited in the claims or amino acid substitutions other than D227A for the reasons elaborated in the previous Office Action is withdrawn in view of the amended claim 36 and the canceling of claims 58-63, 65-68.
3. The information disclosure statement filed 8/24/2004 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because of the following reasons.  
37 CFR 1.98(b) states:  
*(b) (1) Each U.S. patent listed in an information disclosure statement must be identified by inventor, patent number, and issue date.*

The IDS filed 8/24/2004 lacks inventor names for the cited documents.

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. *Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).*

4. The references cited in the IDS of 4/13/99 are not in the IFW copy of the instant application. It suggested that applicant resubmit copies of said reference. The IDS is already of record, so do not submit another copy of said IDS.

5. This application is in condition for allowance except for the following formal matters.

A) The drawings filed on 1/10/97 are acceptable subject to correction of the informalities indicated on "Notice of Draftsperson's Patent Drawing Review," PTO-948 mailed with the Office Action of 8/16/99. In order to avoid abandonment of this application, correction is required in reply to the Office action. The correction will not be held in abeyance.

B) The abstract of the disclosure is objected to because it needs to be on a separate page and does not disclose the claimed invention (eg. the SEA D227A mutant recited in the claims). Correction is required. See MPEP § 608.01(b).

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.


A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

6. Claims 36 and 70 are allowed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ron Schwadron, Ph.D. whose telephone number is 571 272-0851. The examiner can normally be reached on Monday-Thursday 7:30-6:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on 571 272-0841. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 08/765,695  
Art Unit: 1644

Page 4

  
RONALD B. SCHWADRON  
PRIMARY EXAMINER  
GROUP ~~1800~~ 1600

Ron Schwadron, Ph.D.  
Primary Examiner  
Art Unit 1644